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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JAMES M. IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE JOINT APPLICATION) DOCKET NO.
OF SUN CITY WATER COMPANY AND SUN) W-01656A-98-0577
CITY WEST UTILITIES COMPANY FOR APPROVAL) SW-02334A-98-0577
OF CENTRAL ARIZONA PROJECT WATER UTIL-)
IZATION PLAN AND FOR AN ACCOUNTING ORDER)
AUTHORIZING A GROUNDWATER SAVINGS FEE)
AND RECOVERY OF DEFERRED CENTRAL ARIZONA)
PROJECT EXPENSES.)

RESPONSE
OF THE ARIZONA UTILITY INVESTORS ASSOCIATION
TO MOTION TO STRIKE AND REQUEST FOR HEARING

The Arizona Utility Investors Association (AUIA) hereby
responds to the Sun City Taxpayers Association (SCTA) Motion
to Strike and Request for Hearing as follows.

1. The Motion To Strike Is Improper And Should Be Denied.

Counsel for SCTA deserve high marks for consistency;
they are always trying to get somebody else to shut up.

Prior to hearing in this matter, SCTA tried to deny
intervenor status to the CAP Task Force. Now they want to
stifle the comments of the Task Force and AUIA. Their
objective then and now is to prevent the Hearing Officer from
considering the views of numerous organizations that support
the Groundwater Savings Project (GSP).

SCTA frets that the AUIA and Task Force rebuttal
comments, "if allowed to stand, would make a mockery out of
the Procedural Schedule set-out by the Commission in Decision
No. 62293,..." (Motion, P. 3, Line 20).

1 Unfortunately, SCTA is already making a mockery of this proceeding
2 and that is why rebuttal comments were filed.

3 Before proceeding with the GSP, the Applicants (collectively, Citizens)
4 was required by Decision No. 62293 to complete the record by filing a
5 preliminary engineering plan, updated cost estimates, analysis of possible
6 joint projects and binding agreements with Sun City area golf courses.

7 AUIA examined Citizens' filings and concluded that they met the
8 requirements of Decision No. 62293. There were no surprises and no major
9 departures from the Task Force concept. There also was no apparent need to
10 burden this Commission with more verbiage in support of the GSP.

11 However, SCTA and the Residential Utility Consumers Office (RUCO)
12 responded to Citizens' filings with misdirected arguments that demanded
13 rebuttal.

14 RUCO, for example, argued to make permanent the interim exchange
15 plan with the Maricopa Water District and to abandon the GSP. RUCO also
16 expressed concern that Citizens is selling its business to American Water
17 Works and complained that Citizens' Agua Fria Division has a less costly
18 CAP recovery program. None of these arguments were responsive to the
19 requirements of Decision No. 62293 and they deserved rebuttal comment.

20 SCTA essentially challenged the prudence of the GSP, indirectly
21 attacking the basis of Decision Nos. 62293 and 60172. In the process, SCTA
22 regurgitated virtually every argument it presented at hearing in this docket.
23 This attempt to mount a collateral attack on previous Commission decisions
24 also demanded rebuttal.

25 In addition, SCTA accused two members of the Task Force of acting
26 illegally and now, by the motion to strike, wants to deny them an opportunity
27 to defend their actions.

28 The filing requirements in Decision No. 62293 were not meant to be
29 used as an excuse to relitigate this case. AUIA and the CAP Task Force had a
30 right to protect the record in this matter. The Motion to Strike is improper.

1 **2. An Evidentiary Hearing Is Not Warranted.**

2 It is clear from reading SCTA's motions and its response to Citizens'
3 post-hearing filings, that it is not happy with Decision No. 62293 and it wants
4 another turn at bat. It is also clear that if an evidentiary hearing is granted,
5 SCTA will relitigate the issues already decided in Decision No. 62293. That
6 would render the previous hearing and Commission decisions meaningless.

7 SCTA has made various allegations challenging the efficacy of Citizens'
8 engineering plan and the golf course agreements, but none of these issues
9 require an evidentiary hearing. It is within the purview and ability of the
10 Hearing Officer to examine the record and determine whether Citizens has
11 complied with the requirements of Decision No. 62293. That is the only issue
12 remaining in this case.

13 **3. Conclusion**

14 For the reasons cited herein, AUIA respectfully requests that SCTA's
15 Motion to Strike and Request for Hearing be denied.

RESPECTFULLY SUBMITTED,
This 18th day of January, 2001



WALTER W. MEEK, PRESIDENT

CERTIFICATE OF SERVICE

Original and ten (10) copies of this
Response were filed this 18th day
of January, 2001, with:

Docket Control
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1200 W. Washington Street
Phoenix, AZ 85007

Copies of this Response were
hand-delivered this 18th day of
January, 2001, to:

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James M. Irvin, Commissioner
Marc Spitzer, Commissioner
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Deborah Scott, Utilities Division
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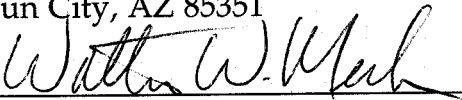
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